

REMARKS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing Amendment, claims 14 and 15 are pending in the Application, with claim 14 withdrawn from consideration as a non-elected invention and claims 16 and 17 canceled without prejudice to or disclaimer of the subject matter therein.

The Amendment accompanying this response is believed to introduce no new matter and its entry is respectfully requested. Support for the Amendment to claim 15 is found on pages 32 and 33, original claim 17, and throughout the specification.

Based on the above Amendment and the following remarks, applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and allow the pending claims.

Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 15-17 under 35 U.S.C. § 112, second paragraph, as allegedly incomplete for omitting essential steps; specifically, the Office Action states that the step of producing amino acid is omitted.

Cancellation of claims 16 and 17 has rendered the rejection of those claims moot. Claim 15 has been amended and includes an amino acid production step. Withdrawal of the rejection and allowance of claim 15 is respectfully requested.

Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 15 and 16 under 35 U.S.C. § 112, first paragraph, as allegedly not enabled by the specification. The Office Action states that while the specification provides enablement for methods of using SEQ ID NO: 2 and recited homologs for the

production of lysine in transformed, fermented *Corynebacterium glutamicum*, it does not provide enablement for making any amino acid in any environment.

Applicants respectfully submit that this rejection has been traversed in light of the proposed amendment to claim 15 and cancellation of claim 16.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 15 and 16 under 35 U.S.C. § 102(b) as anticipated by Peters-Wendisch et al. (Microbiology 143, 1095-1103, 4/1997). The Office Action states that Peters-Wendisch teaches *C. glutamicum* that inherently produce lysine and comprise PCx that is inherently at least 95% identical to SEQ ID NO: 2 by virtue of a common source. Therefore, the Office Action states, Peters-Wendisch teaches a method of producing lysine using PCx of the invention, anticipating claims 15 and 16.

The rejection of claim 16 is rendered moot by its cancellation. To anticipate claim 15, Peters-Wendisch must include all of the limitations of claim 15. Peters-Wendisch does not include the requirement that pyruvate carboxylase be expressed 2 to 20 fold higher than in the cultured strain than in wild-type *Corynebacterium glutamicum*. Applicants therefore respectfully request that the rejection of claim 15 be withdrawn and the claim allowed.

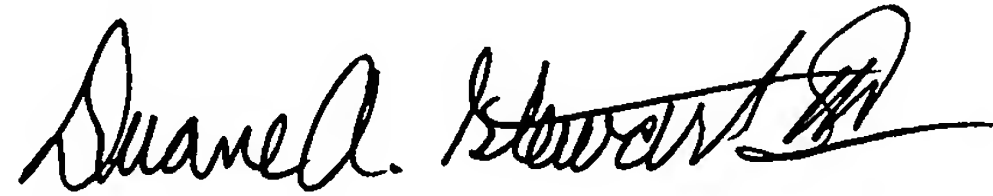
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and as such, the present Application is in condition for allowance. If the Examiner believes for

any reason that personal communication will expedite prosecution of this Application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duane A. Stewart III", with a stylized flourish at the end.

Dated: July 2, 2004

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